

response to requests for subloop elements by competing providers.”⁹² Numerous State commissions subsequently considered the issue, and required ILECs to provide subloop components as UNEs upon request.⁹³ In several states, BellSouth already has published statements of generally available terms and conditions (“SGATs”) that list prices, terms and conditions for obtaining these unbundled subloop elements.⁹⁴

These subloop components typically break down the loop that connects a customer premise to an ILEC end office into four separate components: (1) the network interface device that marks the point of demarcation between ILEC facilities and the inside wire within the customer premise; (2) distribution cable, which typically is a two- or four-wire copper line that runs from a customer premise to electronic equipment located at some point between the customer premise and the end office; (3) concentration electronics, which generally are housed in underground controlled environmental vaults or above-ground enclosures, and which are used to aggregate distribution cables from up to 24 individual customer premises and multiplex them onto a single high-capacity channel; and (4) feeder cable, typically a fiber-optic cable that

⁹² *Id.*, at 15696, n.851.

⁹³ E.g., Florida Public Service Commission, *Petitions by AT&T Communications of the Southern States, Inc., MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc., for Arbitration of Certain Terms and Conditions of a Proposed Agreement with GTE Florida Incorporated Concerning Interconnection and Resale under the Telecommunications Act of 1996*, Fla. PSC Docket No. 960847-TP, Order No. PSC-97-0064-FOF-TP (Nov. 19, 1997); New York Public Service Commission, *Petition of MCI Telecommunications, Pursuant to Section 252(b) of the Telecommunications Act of 1996, for Arbitration to Establish an Inter-carrier Agreement between MCI and New York Telephone Company*, NY PSC Case No. 96-C0-0787 (Feb. 13, 1998); Public Utilities Commission of Ohio, *Petition of MCI Telecommunications Corporation for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Cincinnati Bell Telephone Company*, Oh. PUC Case No. 97-152-TP-ARB (May 14, 1997).

⁹⁴ See, e.g., Florida Public Service Commission, *Consideration of BellSouth Telecommunications, Inc.’s Entry Into InterLATA Services Pursuant to Section 271 of the Federal Telecommunications Act of 1996*, Fla. PSC Docket No. 960786-TL, Order No. PSC-97-1459-FOF-TL (Nov. 19, 1997).

transports the high-capacity signal from the concentration electronics in the field to the ILEC end office.

If the FCC were to grant the deregulatory relief sought by ILECs in their Section 706 petitions, such action would effectively eviscerate the subloop unbundling requirements of these State commissions.⁹⁵ If xDSL and other broadband electronics were deregulated, ILECs could refuse to connect such equipment to CLEC networks, and circumvent the orders of various State commissions that they provide subloop concentration electronics as separate UNEs. ILECs also would be able to deny CLECs access to the feeder cable component required to deploy their own electronics.

This conflict between the deregulatory action sought by RBOCs in their Section 706 filings and State regulatory policies already is apparent. At least three RBOCs have publicly stated their intention to refuse CLECs access to certain electronics deployed as aggregation equipment in local loops. Witnesses for Bell Atlantic, SBC and BellSouth all have stated on the record of State proceedings that they will not allow CLECs access to integrated digital loop carrier ("DLC") equipment when it is used as the concentration electronics in a local loop. These positions are being challenged by CLECs, and currently are being considered by State commissions. Deregulating xDSL and other broadband data equipment, as the RBOCs have requested in their Section 706 petitions, effectively would codify the RBOCs' position, and would deny the States the ability to set their own policies.

⁹⁵ See, e.g., *Tenn. RA Section 271 Proceeding Tr.*, at v.II-E, p. 265 (loop concentration inside the central office offered as a subloop element).

3. RBOC Commitments to Provide Digital Unbundled Loops Must be Preserved

In some states, ILECs already have committed to provide unbundled xDSL loops to CLECs upon request. For example, BellSouth filed an SGAT with the Florida Public Service Commission ("Florida PSC") making ADSL and HDSL loops available as part of its filing seeking a recommendation in favor of interLATA relief. While the BellSouth SGAT lists these loops, to the best of ALTS' knowledge, BellSouth has not deployed any xDSL loops to date. Significantly, the Florida PSC rejected the BellSouth Section 271 petition for a recommendation in favor of interLATA relief in part because BellSouth had not demonstrated an ability to provision other digital loops (*i.e.*, frame relay loops) in a timely manner.⁹⁶ BellSouth has submitted similar SGATs that offer ADSL and HDSL unbundled loops in Tennessee, Georgia and other states in its service region.⁹⁷ Any grant of the BOCs' petitions for deregulatory action under Section 706 would directly impact the pending Section 271 proceedings in Georgia and

⁹⁶ Florida Public Service Commission, *Consideration of BellSouth Telecommunications, Inc.'s Entry Into InterLATA Services Pursuant to Section 271 of the Federal Telecommunications Act of 1996*, Fla. PSC Docket No. 960786-TL, Order No. PSC-97-1459-FOF-TL (Nov. 19, 1997), 1997 WL 7338666 (Fla. PSC) at 120 (The Florida PSC concluded that BellSouth's SGAT did not comply with the Act. While the Florida PSC determined that BellSouth's SGAT satisfied the requirements of Section 271(c)(2)(B)(iv) of the Act regarding the provision of unbundled local loops and subloop elements, the PSC stated that it was "concerned" about the 14 month delay associated with BellSouth's provision of particular unbundled loops used to provide Frame Relay Services. 1997 WL 733866 at 45. The PSC stated that even if an interconnection agreement did not contain a specific provision for certain unbundled elements, "there is no reason for such a delay." 1997 WL 733866 at 45.)

⁹⁷ Tennessee Regulatory Authority, *BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA) Services in Tennessee Pursuant to Section 271 of the Federal Telecommunications Act of 1996*, Tenn. RA Docket No. 97-00309, Statement of Generally Available Terms and Conditions for Interconnection, Unbundling and Resale by BellSouth Telecommunications, Inc. in the State of Tennessee, *Attachment A* (filed Jan. 16, 1998); Georgia Public Service Commission, *BellSouth's Telecommunications, Inc.'s Statement of Generally Available Terms and Conditions Under Section 252(f) of the Telecommunications Act of 1996*, Ga. PSC Docket No. 7253-U, Revised Statement of

(continued)

Tennessee, and would restrict State commission efforts there to adopt a data-oriented interconnection policy for those states.

4. State Actions Regarding Performance Measurements and Standards Should be Sustained

Numerous states currently are conducting proceedings to establish performance metrics that will determine whether ILECs are providing nondiscriminatory access and interconnection to interconnected competitors.⁹⁸ Whether such measurements must contain performance metrics for xDSL and other data UNEs and services, and whether ILEC OSS functions must include data regarding the availability xDSL-compatible loops, currently is being considered by these State commissions. A decision by this Commission granting deregulated status to xDSL equipment and services would preempt entirely the States' ability to consider these issues.

Conclusion

As ALTS discusses above, full implementation of the interconnection, collocation, unbundling and resale provisions of Sections 251, 252 and 271 of the 1996 Act are the fastest and surest means of achieving the goal of promoting the deployment of advanced telecommunications capability to all Americans, as mandated by Section 706. Such

Generally Available Terms and Conditions – Georgia, *Attachment A* (filed Mar. 27, 1998).

⁹⁸ See, e.g., New York Public Service Commission, *Proceeding on Motion of the Commission to Review Service Quality Standards for Telephone Companies*, NY PSC Case No. 97-C-0139, Order Approving Interim Guidelines for Carrier-to-Carrier Performance Standards and Reports (Mar. 16, 1998); Connecticut Department of Public Utility Control, *Participative Architecture Issues*, Conn. DPUC Docket No. 97-10-04 (Aug. 7, 1996); California Public Utilities Commission, *MCI Telecommunications Corporation, Complainant, vs. Pacific Bell, Defendant*, Decision No. 97-09-133, Cal. PUC Case No. 96-120026 (Sept. 24, 1997).

implementation requires improved means of interconnection, including revisions to the Commission's rules and policies governing collocation. It also requires Commission action to ensure that these pro-competitive provisions apply fully to digital and broadband facilities and services. Finally, it requires a federal regulatory system that embraces innovative and effective rules and policies developed by State regulatory commissions. ALTS hereby urges the Commission to issue a declaratory ruling that the mandate of Section 706 of the 1996 Act, at this time, is best fulfilled by rules and policies that ensure the full and irrevocable implementation of the procompetitive provisions of Sections 251, 252 and 271.

Respectfully submitted,

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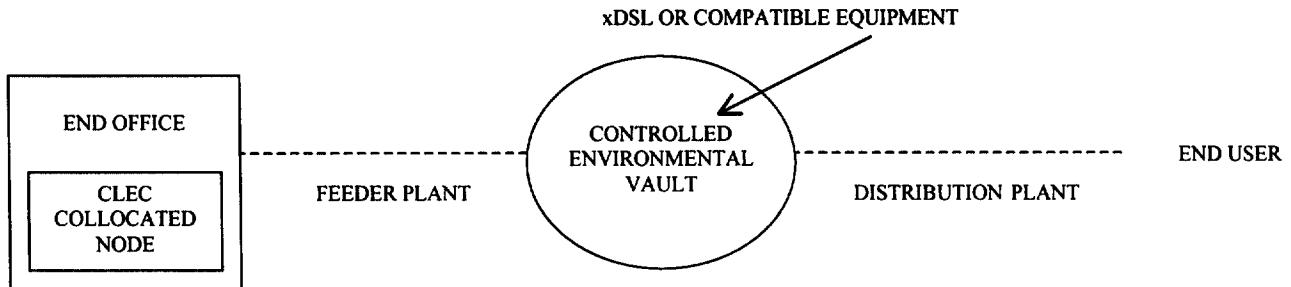
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ATTACHMENT A

DIGITAL SUBSCRIBER LINE INTERCONNECTION POINTS

WHERE xDSL IS DEPLOYED WITHIN THE LOOP:



The above diagram shows a loop in which a controlled environmental vault (or its above-ground equivalent) is used to house electronics that are used to aggregate traffic, or provide a service over the loop. In cases where xDSL technology is deployed at such a point along the local loop, CLECs seek assurances that they will not be denied the ability to obtain loops with DSL functionality.

When an ILEC deploys remote DSL access multiplexers ("DSLAMs") along a loop, CLECs seek assurances that they will be able to obtain DSL-capable loops over that arrangement. This is particularly important in cases where loops run over 12,000 feet (in the case of many HDSL applications) or 18,000 feet (in the case of many ADSL applications), because these DSL services cannot be provided over loops exceeding these lengths. (Note that these loop distance restrictions reflect the state of current technology, and may change over time.)

If a remote DSLAM or other device is deployed in the loop, CLECs must have access to this functionality in order to provide their own xDSL-based services over the loop. If such functionality is not provided to CLECs, they will not be able to offer DSL-based services to the end user, regardless of the type of electronics the CLECs deploy in the end office. Moreover, how such access is provided is critical in determining whether CLECs can interconnect with ILECs in a manner that is operationally efficient and cost effective.

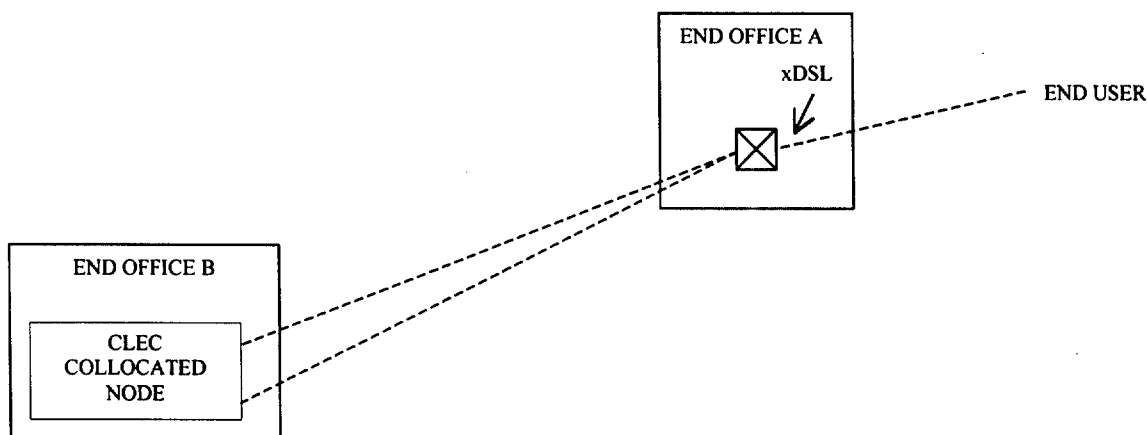
CLECs require that, in cases where the ILEC employs electronics at points outside the end office in order to provision xDSL-compatible loops or its own DSL-based services, CLECs must be provided with the functionality of those electronics when they purchase an unbundled loop. Such electronics include, but are not necessarily limited to:

- Remote Digital Subscriber Line Access Multiplexers.
- Electronics employing both xDSL "Heavy" and xDSL "Light" standards.

- Digital Loop Carrier equipment that can accept DSL line cards (including “Next Generation” Digital Loop Carrier).
- Integrated Services Digital Network equipment that can accept DSL line cards.
- Optical Line Terminating Multiplexers, other Multiplexers, Remote Switching Modules and other aggregation equipment that can accept DSL line cards.

As an alternative to obtaining access to ILEC electronics deployed in the loop, CLECs should be accorded the opportunity to designate their preferred types of equipment for deployment in the ILECs’ remote terminals. Such an option would be tantamount to virtual collocation in an ILECs’ controlled environmental vault or above-ground alternative enclosure, and would allow CLECs to designate specific makes and models of line cards and other electronics that would allow them to provision advanced digital services over existing loops. This option is particularly attractive as a matter of public policy because it allows CLECs to deploy technology other than that selected by the ILEC. This will promote experimentation and diversity in deploying advanced technology in the loop, and ultimately will increase the number and variety of services made available to end user customers.

WHERE xDSL IS USED IN A SEGMENT OF AN EXTENDED LINK ARRANGEMENT:



As explained in the ALTS Petition, the New York Public Service Commission has ordered Bell Atlantic – New York to provide a series of combined network elements called the “Extended Link.” It currently is available as a tariffed service in New York.

The above diagram shows an Extended Link arrangement, in which a CLEC is ordering a combination of unbundled local loop provisioned out of End Office A, multiplexing, and interoffice transport to its collocated space in End Office B. CLECs seek assurance that they will be able to obtain the functionality of the xDSL equipment deployed by ILECs in End Office A so that they can offer xDSL-based service to the end user customer served out of End Office A.

In particular, it is important that CLECs be provided metallic test access at the line side of the connection – in the example above, on the line side of the xDSL equipment in End Office A. Such test access is necessary if CLECs are to be able to check trouble reports and isolate sources of any problems in the service they provide to the end user customer.

ACTION REQUIRED TO PREVENT STRIPPING OF ELECTRONICS FROM EXISTING LOOPS UPON TRANSFER TO CLECS:

Assume that the ILEC provides xDSL-based service to an end user, and that the CLEC takes that end user on as a customer. CLECs seek assurances that the ILEC will not strip off DSL equipment from the existing loop when that loop is converted to the CLEC, as discussed in the following scenarios:

- If an xDSL loop is provisioned through a digital loop carrier (“DLC”) system and delivered to the end office on a fiber optic cable, that cable will terminate in an optical line terminating multiplexer or equivalent equipment that will convert the optical signal to an electronic signal. From there, the signal will terminate at a high-speed digital cross-connection point before it goes into the ILEC’s circuit-switching or packet-switching systems. The CLEC requires a hand-off of the loop at this cross-connect point. In this scenario, the ILEC must be prohibited from detaching or disabling line cards or other electronics at any point in the loop (at the DLC) or in the end office (before the cross-connect point discussed above).
- If a DSL loop is provisioned over a “home run” copper facility that runs directly from the customer’s premises to the end office, that circuit will terminate in a multiplexer or other equipment where traffic will be segregated into circuit-switched and packet-switched transmissions, and cross-connected at high speed to the ILEC’s respective circuit- and packet-switching systems. CLECs require a hand-off at this cross-connection point. ILECs must be prohibited from removing or disabling line cards or electronics at any point prior to the cross-connect to the ILEC switching systems.

OSS ISSUES RELATED TO xDSL LOOP PROVISIONING:

CLECs must be able to identify the number and location of xDSL-capable loops. CLECs are aware that ILECs currently are inventorying their existing plant, and removing load coils and bridge taps, and reassigning binder groups as necessary to make existing loops DSL-capable. CLECs require notice of the availability of such loops currently, and updated regularly to identify new loops that have been made xDSL-compatible. If a mechanized process is currently available to ILECs for their own internal use, CLECs require access to this OSS preordering function. If such a process being developed, it should be incorporated into pending OSS trials.

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 1998, served this day a copy of the foregoing PETITION OF THE ASSOCIATION FOR LOCAL TELECOMMUNICATIONS SERVICES FOR A DECLARATORY RULING by hand delivery to the following:

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